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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELI LILLY AND COMPANY,

Plaintiff,

vs.

MOCHI HEALTH CORP., MOCHI
MEDICAL CA P.C., MOCHI MEDICAL
P.A., AEQUITA PHARMACY, LLC,
AEQUITA CORPORATION,

Defendants.

Case no. 3:25-cv-3534-JSC
Action Filed: April 23, 2025

**UNOPPOSED MOTION FOR
ADMINISTRATIVE RELIEF**
**FOR LEAVE TO FILE AMICUS CURIAE
BRIEF BY THE CALIFORNIA MEDICAL
ASSOCIATION IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
(filed pursuant to Civ. L.R. 7-11)**

Filed/Lodged Concurrently with:

1. Long X. Do Declaration in support of Motion for Administrative Relief for Leave to File Amicus Curiae Brief
2. [Proposed] Order Granting Motion for Administrative Relief for Leave to File Amicus Curiae Brief
3. [Proposed] Amicus Curiae Brief

1 By this unopposed motion pursuant to Civil Local Rule 7-11,¹ the California Medical
 2 Association (“CMA”) respectfully requests leave of court to file an amicus curiae brief in the
 3 above-captioned action in support of plaintiff Eli Lilly and Company’s (“Lilly”) opposition [dkt.
 4 68] to the motion to dismiss [dkt. 45] filed by the defendants Mochi Health Corp.; Mochi Medical
 5 CA P.C.; Mochi Medical P.A.; Aequita Pharmacy, LLC; and Aequita Corporation (collectively,
 6 “Defendants”).

7 As detailed in the declaration of Long X. Do (“Do Decl.”), filed concurrently herewith,
 8 counsel for the parties in this action have been notified of this motion. Do Decl. ¶2. Lilly does not
 9 oppose. *Id.*, ¶3. Defendants do not oppose on the condition that they be allowed an additional 5
 10 pages in their reply papers to respond to CMA’s amicus brief. *Id.* Toward that end, the parties
 11 have indicated they intend to submit a stipulation for the page extension to the Court.

12 INTERESTS OF THE PROPOSED AMICUS CURIAE

13 CMA is a non-profit, incorporated professional physician association of over 45,000
 14 members, most of whom practice medicine in all modes and specialties throughout California.
 15 CMA’s primary purposes are “to promote the science and art of medicine, the care and well-being
 16 of patients, the protection of public health, and the betterment of the medical profession.” CMA
 17 and its members share the objective of promoting high quality, safe, and cost-effective health care
 18 for the people of California.

19 For many decades, CMA has been the leading voice advocating for robust enforcement of
 20 California’s law restricting the corporate practice of medicine (“CPOM”) by private and
 21 government actors. CMA consistently engages in legislative advocacy concerning CPOM
 22 doctrine by supporting measures that reinforce its protections, opposing efforts that erode or
 23 eliminate it, and evaluating proposed exceptions with careful attention to their impact on
 24 physician autonomy and the integrity of patient care. CMA also regularly files amicus briefs in
 25

26 ¹ There are no rules that govern the filing of amicus curiae briefs in the district courts.
 27 Accordingly, CMA makes this motion pursuant to Civil Local Rule 7-11, which applies in
 28 situations “not otherwise governed by a federal statute, Federal Rule, local rule, or standing order
 of the assigned Judge.”

1 federal and state courts on issues impacting the practice of medicine, including cases like this
 2 involving interpretations and application of CPOM. In fact, Judge Breyer permitted CMA to file
 3 an amicus brief in a case that is prominent in both sides’ briefing around the motion to dismiss –
 4 *Am. Acad. of Emergency Med. Physician Grp., Inc. v. Envision Healthcare Corp.*, no. 22-cv-421-
 5 CRB (“*Envision*”) (N.D. Cal.). The CPOM issues raised by Defendants’ motion directly bear
 6 upon the interests and work of CMA on behalf of its physician members and constituents.

7 HOW CMA CAN ASSIST THE COURT

8 There is no rule governing the appearance of an amicus curiae in the district courts.
 9 Nevertheless, as did the court in *Envision*, “[d]istrict courts have inherent authority to appoint or
 10 deny amici” as derived from Federal Rules of Appellate Procedure (“FRAP”), rule 29. *Jin v.*
 11 *Ministry of State Sec.*, 557 F. Supp. 2d 131, 136 (D.D.C. 2008) (internal quotations omitted).
 12 “District courts frequently welcome amicus briefs from non-parties concerning legal issues that
 13 have potential ramifications beyond the parties directly involved or if the amicus has ‘unique
 14 information or perspective that can help the court beyond the help that the lawyers for the parties
 15 are able to provide.’” *NGV Gaming, Ltd. v. Upstream Point Molate, LLC*, 355 F. Supp. 2d 1061,
 16 1067 (N.D. Cal. 2005) (citation omitted). Though the decision still lies solely within the district
 17 court’s discretion, the court may be guided by factors such as whether the proffered information
 18 is “timely and useful or otherwise necessary to the administration of justice.” *United States ex rel.*
 19 *Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007).

20 While FRAP does not apply in this Court, the proposed amicus brief does conform to the
 21 page limitation and was timely submitted under the requirements of rule 29. That is, CMA’s
 22 proposed amicus brief would be filed within “7 days after the principal brief of the party being
 23 supported is filed.” FRAP 29(a)(6). Here, CMA’s proposed amicus brief is filed in support of
 24 Lilly’s brief opposing Defendants’ motion to dismiss, which was filed on July 15, 2025. *See* dkt.
 25 68. The proposed amicus brief is 15 pages long, which is half the length of Lilly’s opposition
 26 brief, consistent with FRAP, rule 29(a)(5). Finally, CMA’s proposed amicus brief includes a
 27 statement disclaiming support or involvement from any party or party’s counsel in the preparation
 28

1 or drafting of the brief. *See* FRAP, rule 29(a)(4)(E). The parties' non-opposition to the filing of
2 CMA's amicus brief indicates they would not be prejudiced by the filing.

3 Based on CMA's review of Lilly's Complaint [dkt. 1] and the briefs surrounding
4 Defendants' motion to dismiss, CMA believes it offers a perspective that can help the Court to
5 understand the history, purposes, and current applications of CPOM. These are issues squarely
6 germane to the Complaint and the motion to dismiss, in which Defendants contend the Court
7 should abstain from private enforcement of CPOM in deference to the primary or exclusive
8 jurisdiction of the Medical Board of California. CMA wishes to present a historical and policy-
9 focused account of CPOM, including pronouncements by the Medical Board, to explain why the
10 claim of primary or exclusive enforcement jurisdiction is unsupported.

11 CONCLUSION

12 For the foregoing reasons, CMA respectfully urges the Court to GRANT its unopposed
13 motion for leave to file an amicus curiae brief and thereupon order that the proposed amicus
14 curiae brief filed concurrently herewith be filed in this action.

15 Respectfully submitted,

16 Dated: July 18, 2025

17 /s/ Long X. Do

18 LONG X. DO

19 *Attorney for California Medical Association*